

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00218

RICHARD HOWARD KING II

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On August 29, 2018, the United States of America appeared by Steven I. Loew, Assistant United States Attorney, and the defendant, Richard Howard King II, appeared in person and by his counsel, Mary Lou Newberger, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on July 21, 2017, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on April 22, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law, and possessed a firearm in violation of the terms and conditions of supervised release, inasmuch as at some time while on supervised release which commenced on July 21, 2017, he was in possession of each of two firearms as reflected in photographs posted by him on Snapchat; on April 20, 2018, the defendant, while at the Kanawha Valley Fine Jewelry and Loan in Kanawha County, West Virginia, handled and inspected a handgun, though he did not retain further possession of it; on April 22, 2018, the defendant picked up a handgun in a house where he had been and handed it to a female who placed it in the vehicle in which he was stopped the following day; and on June 7, 2018, the defendant possessed a firearm while in a vehicle on the way to Putnam County, West Virginia; (2) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on December 8, 2017, and January 25, 2018; (3) the defendant failed to notify the probation officer of his contact with law enforcement inasmuch as his residence was searched by ATF agents and officers with the Charleston Police

Department on November 30, 2017, and he did not report the incident to the probation officer until he was questioned about it on January 3, 2018; and (4) the defendant committed the state offense of attempted armed robbery on June 7, 2018, as evidenced by his stipulation on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; all as admitted by the defendant on the record of the hearing with the exception of (4) as set forth above and all as set forth in the petition on supervised release and amendments thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the

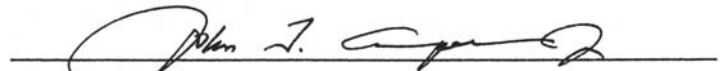
defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHTEEN (18) MONTHS, to be followed by a term of eighteen (18) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Beckley and that he be afforded the benefit of GED classes and vocational training.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 30, 2018

  
John T. Copenhaver, Jr.  
United States District Judge